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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,094	01/18/2002	David Marples	1365	5824

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EXAMINER

DUONG, OANH L

ART UNIT PAPER NUMBER

2155

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/052,094

Applicant(s)

MARPLES ET AL.

Examiner

Oanh L. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-17 have been canceled.

Claims 18-19 are presented for examination.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/12/2005 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 18-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 18 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The features "the IP address give the first communication device an **appearance on the local network**" and "**second appearance on said local network**" found no support in the specification of the invention.

Claim Objections

4. Claim 18 is objected to because of the following informalities: the feature "can be" should not be used in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by McCann et al. (McCann) (US 6,052,725).

Regarding claim 18, McCann teaches a communication system (i.e., communication system 10, Fig. 1) comprising

a local network (i.e., local network 10) having a first communication device (i.e., communication device 16) thereon (col. 2 lines 51-55),

a plurality of second communication devices external to said local network and connectable through a public network (i.e., a network of computers interconnected by using the Internet Protocol, col. 1 lines 51-65), said local network including access blocking apparatus (i.e., router 22) that connects the local network to external networks and that separates said first and second communication devices (col. 3 lines 57-62),

a secure hub (i.e., router 34), said secure hub including:

interfaces connecting said secure hub to public network (col. 7 lines 22-23;

means in response to the first communication device for establishing a single virtual pipe between the first communication device and said secure hub (col.7 lines 10-26);

a pool of available IP addresses from which an IP addresses can be assigned to the first communication device (col. 5 lines 654-65); and

means for associating the assigned IP address with the established single virtual pipe, whereby the IP address gives the first communication device an appearance on the local network (col.7 line 56-col. 8 line 4);

means for routing communications from any of the second communication devices and addressed to the first communication device to the established virtual pipe (col. 7 lines 18-22); and

means for tunneling said communications over the established virtual pipe to the first communication device thereby bypassing the access blocking apparatus (col.7 lines 18-22).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCann in view of Calhoun (US 6,463,475 B1).

Regarding claim 19, McCann teaches a communication system (i.e., communication system 10, Fig. 1) comprising

a local network (i.e., local network 10) having a first communication device (i.e., communication device 16) thereon (col. 2 lines 51-55), said first communication device having a primary IP address (col. 3 lines 16-20),

a plurality of second communication devices external to said local network and connectable through a public network (i.e., a network of computers interconnected by using the Internet Protocol, col. 1 lines 51-65),

access blocking apparatus (i.e., router 22) that provides the first communication device access to the public network and separates the first and second communication devices (col. 3 lines 57-62), and

a secure hub including interfaces to the public network (col. 7 lines 22-23; means in response to the first communication device for establishing a single virtual pipe between said secure hub and the first communication device for tunneling

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communication and bypassing said security blocking apparatus (col. 7 lines 10-26), and means for assigning a secondary IP address to said first communication device (col. 7 line 66-col. 8 line 4) and associating said secondary IP address with said established single virtual pipe, whereby said secondary IP address gives the first communication device a second appearance on the local network (col. 7 line 56-col. 8 line 4)

McCann does not explicitly teach routing and switching functionalities.

Calhoun, in the same field of endeavor, teaches routing and switching functionalities (col. 4 lines 35-59-59). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine the teachings of McCann to include the routing and switching functionalities as taught by Calhoun because it would control of tunnel access to the destination network/device and thereby reducing congestion at destination (Calhoun, col. 2 lines 60-62).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh Duong whose telephone number is (571) 272-3983. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.D
June 8, 2005

Philip Tran
PHILIP TRAN (PSA)